

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax



Bill Ritter, Jr.
Governor

D 019 09

EXECUTIVE ORDER

Suspending the Requirement that State Employees Provide a Medical Certificate for Workplace Absences Due to Influenza-Like Illness of More than Three Days

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of the Colorado Disaster Emergency Act, §§ 24-32-2100, *et seq.*, C.R.S. I, Bill Ritter, Jr., Governor of the State of Colorado, issue this Executive Order suspending the requirement that State employees provide a medical certificate for workplace absences of more than three full consecutive days.

I. Background and Purpose

This year Colorado is experiencing an early onset of the influenza season due to 2009 H1N1 influenza. Increasing transmission of 2009 H1N1 influenza and the early arrival of the influenza season are resulting in a dramatic increase in visits to health care providers throughout the State.

Colorado law requires that when a state employee is absent from work for more than three consecutive days, that the employee must provide "[a] medical certificate form from a health care provider . . . or the use of sick leave shall be denied." C.R.S. § 24-50-104(7)(a). In order to prevent the spread of influenza, it is critical that all employees who may be ill refrain from coming to work while they are symptomatic, which in many cases may be longer than three days. At the same time, the State should take steps to discourage unnecessary visits to health care providers, particularly at a time when the demand on these providers is at its peak.

As Governor, I am "responsible for meeting the dangers to the State and people presented by disasters." C.R.S. § 24-32-2104(1). The Colorado Disaster Emergency Act defines a disaster to include the "imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic." C.R.S. § 24-32-2103(1.5). The threat currently posed by H1N1 and seasonal influenza constitutes a disaster for the purposes of the Act.

Requiring state employees to provide a certification from a health care provider for absences of more than three full consecutive working days will result in unnecessary

visits to health care providers at a time when resources are stressed. Therefore, it is in the best interest of the State of Colorado that the requirement that state employees who are absent from work due to influenza-like illness for three or more consecutive days provide a medical certificate form from a health care provider be suspended.

II. Directives

- A. I hereby declare that the threat posed by H1N1 and seasonal influenza constitutes a disaster emergency for purposes of C.R.S. § 24-32-2103.
- B. Pursuant to C.R.S. § 24-32-2104(7), the requirement that state employees who are absent from work due to influenza-like illness for three or more consecutive days provide a medical certificate form from a health care provider, set forth at C.R.S. § 24-50-104(7)(a), is hereby suspended for the duration of this Executive Order.
- C. The suspension of the medical certificate requirement as set forth in this Executive Order does not suspend any documentation requirements that pertain to serious health conditions or injuries, as defined in the State Personnel Administrative Procedures, Rule 1-69, that may qualify for job protection under the Family Medical Leave Act (FMLA).
- D. The State Personnel Director is hereby directed to create and promulgate an Employee Self-Certification Form that shall be used by employees in lieu of a medical certificate form from a health care provider.

III. Duration

This Executive Order shall expire three months from its date of signature unless extended further by Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this twenty-fifth day of
September, 2009.

Bill Ritter, Jr.
Governor

A handwritten signature in dark ink, appearing to read "Bill Ritter, Jr.", with a large, stylized flourish at the end.